

REMARKS

Claims 2-3, 7-8, 10-24 and 27-36 are pending.

Applicants thank the Examiner for withdrawing the various obviousness rejections in the final Office Action, particularly the rejection of claims 2-3, 7-8, 13, 17-24 and 27-29 under 35 U.S.C. §103(a) as being unpatentable for obviousness over Canadian Patent No. 2,432,632 (corresponding to U.S. Patent Application Publication No. 2004/0104246) to Kawaguchi et al. (hereinafter "Kawaguchi"), in view of U.S. Patent No. 6,485,479 to Kneirbein; the rejection of claims 14 and 16 under 35 U.S.C. §103(a), as being unpatentable for obviousness over the combination of Kawaguchi and Knierbein, as applied above, further in view of tertiary reference U.S. Patent No. 4,895,275 to Quinn et al. (hereinafter "Quinn") and further in view of quaternary reference U.S. Patent No. 5,993,422 to Schafer; the rejection of claim 15 under 35 U.S.C. §103(a) as unpatentable for obviousness over the aforementioned combination of Kawaguchi and Kneirbein further in view of tertiary reference Quinn and further in view of another quaternary reference, U.S. Patent No. 3,001,525 to Hendricks; and the rejection of claims 10-12 under 37 U.S.C. §103(a) as being unpatentable for obviousness over the aforementioned combination of Kawaguchi and Kneirbein further in view of another tertiary reference U.S. Patent No. 4,997,429 to Dickerhoff et al. All of the aforementioned secondary, tertiary and quaternary references cited in the prior Office Actions have been overcome and removed as references against the present claims. The primary reference, Kawaguchi, however, despite its many deficiencies and differences from the present invention, remains.

In the Action, claims 28 and 35 were objected to because of minor informalities, which have been corrected, i.e., the dependency of claim 28 has been changed and the adverb modified in claim 35.

Applicants respectfully submit that the aforementioned objections have been corrected and overcome.

Turning to the new rejections set forth in the present Office Action, claims 2, 3, 8, 10-18, 20-24 and 27-29 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Action cites claims 2, 20 and 27-28 as failing to so comply, with the dependent claims thereon failing also in view of the aforementioned and allegedly deficient main claims.

Applicants respectfully disagree with this rejection and respectfully submit that the inventors had possession of the invention, as claimed. In particular, Applicants note that the specification describes many related embodiments and sets forth aspects of those embodiments in the numerous interrelated illustrations. More particularly, the specification repeatedly refers to the connector device by the Roman numeral I throughout the descriptions of Figure 1-5, as well as the embodiments set forth in remaining Figures 6-9. Various other features are also identified by common numerals throughout the specification and the problems faced in each embodiment are similar. Applicants respectfully submit that the inventors, de facto being of relevant skill in the art, had possession of the various embodiments of their invention, set forth in considerable detail in the specification and in the figures, and the interplay between the aspects thereof.

Accordingly, Applicants respectfully request that the §112, first paragraph, rejection of claims 2,3,8,10-18,20-24 and 27-29 be reconsidered and withdrawn.

Claims 7, 19, 30-34 and 36 were rejected under 35 U.S.C. §103(a) as being obvious over Kawaguchi, as discussed above and distinguished at length in the previous Office Action responses, in view of newly-cited U.S. Patent No. 4,881,662 to Tallman.

The various deficiencies of Kawaguchi and differences from the present invention, as claimed, have been set forth at length in prior correspondence, such as Applicants' April 25, 2008 Preliminary Amendment. As noted by the Examiner in the Action, Kawaguchi also fails to "teach an attachment means fixedly attaching the connector device (12) to an interior surface within the paper packaging system (20)" (Page 7, top of page). Tallman, however, is recited to cure this deficiency.

Applicants respectfully submit that Tallman's dispensing spout fails to remedy the aforementioned deficiencies of the primary reference. The Tallman spout 10 appears to operate by piercing the material and then by application of axial movement "screwing" the spout into place, such as one punches the top of an oil can to create an aperture for pouring. Applicants are also a bit confused by the Tallman disclosure, particularly at the bottom of column 3 where the curved end face 63 abuts "against the O-ring 54." The figures utterly fail to illustrate that relationship. Nonetheless, Tallman describes a puncturing spike, which appears to rotate into a sealing position.

Applicants respectfully submit that the one skilled in the art of Kawaguchi, i.e., adding a ridge or brace over the area to be punctured, would not look to Tallman. The more delicate

packages for use in Kawaguchi, e.g., have a paper top, have zero need for a rotational engagement mechanism such as proposed by Tallman's cruder puncturing device. Although some aspects of Tallman's innovation could be put to use in Kawaguchi, particularly rotating within the separately-attached ridge described in Kawaguchi and engaging that, there is no suggestion that one skilled in the art would or could employ the principles of Tallman to directly engage the interior of the beverage boxes (or the like) as set forth in Kawaguchi. The sheer destructiveness of the proposed combination for the intended purpose renders the proposal moot. Any combination would not lead to the claimed innovation, which operates quite differently from Tallman.

Addressing any KSR concerns, Applicants vehemently submit that the claimed invention is no mere combination of old parts or a predictable result. The claimed invention addresses a serious problem in the medical area: connecting various devices in a safe, efficient and economical way. The intricacies Applicants faced in their creation was a challenge and difficult. The failure of the numerous art cited thusfar to anticipate the present invention is a testament to the difficulties faced.

As for the terms "rigid" and "flexible" used in claims 31, 32 and 34, Applicants respectfully submit that these terms are understood by one of skill in the art. As indicated, Applicants view the descriptions in Tallman as irrelevant to the present invention, as claimed, and of no bearing in the interpretation of the terms. Applicants believe that the specification of the present invention provides enough guidance for one of skill in the art to practice claims 31, 32 and 34.

Applicants thus respectfully submit that the §103(a) rejection of claims 7, 19, 30-34 and 36 over the purported combination of Kawaguchi and Tallman be reconsidered and withdrawn.

Claims 30 and 35 are also rejected under 35 U.S.C. §103(a) as being obvious over Kawaguchi in view of U.S. Patent No. 3,599,836 to Hegi. The deficiencies of Kawaguchi are allegedly cured by reference to the dispensing spout(1) of Hegi.

Applicants respectfully disagree with the Examiner's interpretation of Hegi. Most simply, the claimed invention recites two rim means. Hegi fails to set forth two such rim means. The "rim (11)" cited by the Examiner is actually "transverse channels" which in no way form an engagement. Hegi does mention that the "sealing flange 2 and the seal 7," upon rotation of the tube 1, come upon the transverse channels 11, which act, instead of as a seal, as a device stop.

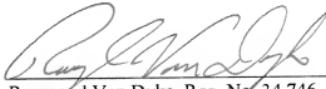
Col. 2, lines 24-35. Since the sealing flange 2 and seal 7 are topside, there is no engagement of the interior surface, as set forth in the claims. Hence Hegi is irrelevant.

Applicants respectfully submit that the §103(a) rejection of claims 7, 19, 30-34 and 36 over the combination of Kawaguchi and Tallman is deficient and fails to render the claimed invention obvious. Reconsideration and withdrawal of the rejection are respectfully requested.

Reconsideration and withdrawal of the §112, first paragraph, and §103(a) rejections of the claims are respectfully requested.

Applicants respectfully request that these arguments and amendments be considered by the Examiner and entered. Should the Examiner have any questions or suggestions that could move the case toward allowance, Applicants hereby authorize the Examiner to contact Applicants' representative designated below.

Respectfully submitted,



Raymond Van Dyke, Reg. No. 34,746

October 29, 2008
Date

WINSTON & STRAWN LLP
Customer No. 28765
202-282-5971